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THE
RIGHTS OF ENGLISHMEN;
OR THE
BRITISH CONSTITUTION
OF
GOVERNMENT,
COMPARED WITH THAT OF A
DEMOCRATIC REPUBLIC.

BY THE AUTHOR OF THE
HISTORY of the REPUBLIC of ATHENS.

Cunctas nationes aut Reges, aut Primores, aut Populi rexerunt,
delectu ex his et confociata Reipublicæ forma *laudari* facilius
quum evenire potest.——TAC. ANN. 1.

L O N D O N:

PRINTED FOR JOHN STOCKDALE, PICCADILLY.

1793.

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DEMOCRATIC REPUBLIC OF THE CONGO



MINISTRY OF THE REVENUE & FINANCE

W O D O I

PRINTED FOR JOHN STOCKDALE, PICCADILLY.

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THE

RIGHTS OF ENGLISHMEN, &c.

IN the present crisis of affairs, no subject can be more interesting to Englishmen, than an inquiry into the real principles and practice of Republican Governments, for which they are recommended (by no very friendly advisers) to change their old British Constitution:

In comparing the one form of government with the other, I shall not avoid any part of the subject; I shall require and look for all the advantages which a people can possess under any government: I shall consider the

peace and happiness of mankind as essential ; but I shall not consider these as *all*, or complete : I shall require the fullest practical enjoyment of liberty, equality, and the rights of men in civil society.

I shall advance no fine-spun theories, no fanciful schemes of perfection. I shall take men and things as they are, and allow for faults in government, because I must allow for frailties in men. In truth, a neglect of this plain way of dealing, and the publishing abstract notions of perfection which never did or can exist, is the method employed to dazzle and lead us Englishmen astray, and put us on the hazarding our real advantages in society for what is imaginary and impracticable. I would as a subject enjoy all that can be enjoyed as subject to any government of any form *on earth*. Building castles in the *air* hath been ever the proverb for extreme folly and absurd schemes. The governments of our modern legislators seem framed especially *for those castles in the air*.

Why will the politicians of the day consider themselves exempt from the common
sense

sense in practice required of ordinary men on every occasion in life? When a mechanical artist proposes to frame a machine, he duly considers the nature of the materials with which it is intended to frame his machine: he considers well too the nature of the materials which his machine when finished is intended to work upon.

It were not amiss if our political artists of the present day were to take example from the mechanic, and in their theories of government, admit some consideration of the qualities of those who are to govern, and of those who are to be governed.

The governor and the governed, whatever be the form of government proposed, are men partaking of the interests and passions of men. Let us then take the feelings of private interest, and the passions of men into our estimate of what government is best for them; and let us too consider those interests and passions as existent under the actual circumstances of the times.

We

We must take men as they are. We must not take them as the poets describe shepherds of Arcadia, and those of the Golden Age. We must take men who follow trade and commerce, because trade and commerce bring money; and who seek money, because money gratifies their lusts and appetites.

We must take men who seek power, because power not only may reach wealth by shorter strides, but moreover gratify vanity and other passions extraneous to those merely sensual.

We must take men, who, in all classes of life, reach as high towards the enjoyments which power or wealth may give, as their means will afford;—and who, if too low to reach at all, in their envy and discontent give proof of what they seek, and what they would do if they could.

In short, we must take men for the most part, and in their general community, who abuse, or are ready to abuse, both power and wealth. If society appears too vicious in this representation, strike off as much as pleases;

yet more than enough of the love of power and of wealth will remain, to require their entering into the consideration of what government is best for mankind.

The question then is, not what government is best for men in a state of great purity of manners, simplicity of knowledge, general competency to all, without riches to any, and contentment in private life, keeping down generally the ambition of public life.

I leave to any fanciful writer, any form of government he pleases for such a community. He may take a republic, and of republics, he may take a pure democracy.

But shortly superior abilities and superior industry will make superior acquisitions ; and inequalities in society will arise. He who acquires beyond his competency, will have to bestow ; and he who bestows will command, and power once tasted begets the love of power. He who acquires beyond his competency and doth not bestow, will reserve to enjoy ; and then the sense of enjoyment re-operates, and

and gives new value to the means; and so we have the growing love of wealth.

The love of power and of wealth are of so quick growth, and are so fatal to any institution of government which is not framed under consideration of their influence that no democracy, or republic leaning to a democracy, ever lasted an entire century. It became an aristocracy, or it submitted to the usurpation of an individual; and in its latter years of duration as a republic was convulsed and distracted by these jarring influences, and at all times was a scene of disquiet in itself, and of unhappiness to mankind.

Generally a democratic people on their outset of republican establishment have been ruinous to the quiet and happiness of all people near them; and afterwards have felt as great unhappiness from commotions among themselves, as heretofore they brought on others by their wars and disposition to contest, *pristina mala postquam foris deerant, domi querere*, is by Livy applied to Rome,—it belonged to Athens, or to Carthage equally as to Rome. In a democracy competition is
not

not merely open to all, (*as under the British constitution*) but all are invited, all are impressed, as it were, into a competition, none must be neutral : and we know that the heat and animosity of those who follow, are often greater than of those who lead in state-parties. Thus the spirit of contest becomes the soul of action throughout the state. Individuals and parties of the people contest with each other ; and the people at large contest with other nations.

A republic has ever a disposition to contest. When a people of this stamp declare, “ they will have no wars, and disclaim all conquests,” the declaration may do for the eulogy of a school exercise, but wise men of neighbouring nations will be on their guard.

They know that a people in the aggregate have a character as marked, as that of any individual authority ; and that in this aggregate capacity, a democracy is ever more resentful, and often more imperious, than an individual in his monarchic capacity.

B

They

They know too that private disputes and encroachments in commerce, colonization, at sea, or on land, are not so easily made up with a democratic government, which is ever ready to court the people by a display of passionate regard for the interests of every constituent, right or wrong.

They know too that the leading men in such democratic state have ever a private interest in fomenting war and troubles, which may make their own abilities useful and necessary to the people. They know too that these demagogues at the head of affairs must often embroil the people in wars on various other accounts. They must conciliate some general who is popular and wishes to be employed, or they may have to draw the attention of the people from inquiry into their past conduct in administration. The following detail of history to this effect is curious: "Pericles, the minister of the democratic republic of Athens, one day walking with Alcibiades, looked very thoughtful; 'What makes you so serious?' said his friend.—'I am thinking,' replied Pericles, 'how I shall make up my accounts for the people.'—
 'Poh,'

‘Poh,’ returned Alcibiades, ‘rather think
 ‘how you shall avoid the necessity of making
 ‘up any accounts at all.’——*And so Pericles
 immediately involved Athens in a war with
 all Greece.*”

So much for a quiet neighbourhood to a
 democratic republic ! so much for the profes-
 sions of peace and good-will to all nations of
 a democratic republic !

Now to consider the interests and passions
 of men as operating in the democratic go-
 vernment and their tendency. The tendency
 of the passions and interests of men in such
 government ever takes its direction to the
 attainment or support of the executive depart-
 ment. It is the struggle for executive pow-
 er on which the whole turns. The most
 pleasing and flattering view which the picture
 of a democracy presents us with, is the sud-
 den rise of genius and ability which competi-
 tion gives birth to in partial instances, and in
 the earlier period of its establishment. The
 elevation of such genius and ability cannot
 long, however, depend on pure and virtuous
 reasons of preference : nor does ability imply

virtue in the candidate. As the people, and as the favourites of the people, become in process of time enlightened and matured to the business and concerns of life, they become in plainer terms more knowing in regard to private advantages, and in the means to attain their purpose. Ingenious and able men will then soon hit on the various paths to authority which the temper of society opens to them: they will feed the ambition of one with promises, the vanity of another with praise, the avarice of a third with gifts. But even in the simplest state of manners, it is not pure virtue that commands, for pure virtue *is then no distinction*; it is ability that commands. The stronger minds of the few must ever command the weaker minds of the generality. The stronger mind feels a right as it were to command the weaker; and what it feels a right to, it will assume if it can, and by what means it can.

For this command there will be a certain rivalry of pretensions, and in the struggle of individuals the commonwealth must break into parties; and if the territory is very extensive,

tenfive, and people numerous, must break into new and distinct commonwealths.

The favourite general, or favourite minister, or favourite judge of the north, will make a party of the north to support his pretensions against the candidate of the south; a small majority of voices will not for any length of time decide such contests: a schism of office will begin, and the distinct army, executive government, and court of justice in the north, will in process form a new and independent republic. Consider this in another point of view. If one district, if one great town is the sole seat of republican ambition and executive authority, the extensive territory, the numerous people, will be quickly made to feel that they are no part of the republic, but in provincial subjection to that district or town, which must be the republic *de facto*: the republic at large and *de jure* will, as it finds and feels the grievance, tend to self-relief in a division of power as of interests, and split into several republics *de facto* as *de jure*; herein appear strong presumptions of the fate of an unweildy democratic republic. What scenes
of

of private misery open in these public contests !
leading men quarrel, and the people bleed.

The operation of struggles for the executive power in smaller commonwealths, and republics in general, is equally destructive to domestic happiness, and to the political institution.

The ascendancy of a single character hath often, in the early periods of a republic, mounted to power on patriotic services ; but this cannot be always the case, and to lay down and resign power, is an effect of moderation rarely to be expected ; and certainly in an enlightened and vicious age is not to be expected, whilst any means to retain it can be devised. These means have been so common place, so systematic in all popular republics, and so successful too, that he must be a bungling statesman indeed who at the head of a future democracy shall omit to profit of the lesson.

This policy of great and leading men is on record in every history of popular governments.

It is to bribe the people at large, by exactions on the few. It is to pay from the public purse for individual votes under the plea of remunerating public duties. It is to requite the gift of more power from the people by giving more liberty (as it is called) to the people. It is to repay the grant of new authorities with the grant of further licentiousness. It is, in other words, at the same time to strengthen the force of one man, and to weaken the establishment of the whole : it is a bargain of a demagogue on one part, and of the people on the other—*for rights to do wrong.*

The above observations go specially to any, and every single character rising unrivalled on the shoulders of the people to command over them. In making them the instrument of their tyranny over the objects of popular envy, namely, the rich and the good ; they will in the end confirm a despot over all.

But let us suppose a competition of ascendant characters. There ever have been, for the most part, and always will be, able and enterprising men struggling together for ascendancy.

cendancy. These busy and ambitious men are seldom so virtuous as to be nice about the means, so that they attain their ends. Human ingenuity will soon be exercised and well practised in all the arts to gain or to cheat the people, to seduce, to corrupt, or to deceive; whilst the animosity of contending parties, permits not either to see that in the end the people are merely cavilling for who shall establish despotism in the person of their own choosing; or perhaps two or three parties find it necessary to join their forces; and the result is the worst of all governments—an hateful aristocracy.

During these struggles no end of good government is answered. There is no peace, there is no private happiness, no security of person, no security of property; there is little too of liberty as applied to the individual station. The majority in a democratic assembly ever have tyrannized over the minority; the general picture of a democracy is of a party conquering, and of a party subdued; of a party oppressing, and a party suffering; an alternate abuse of power, and vicissitude of murders, exile, and confiscations.

Thus

Thus all democratic republics have fallen, and will fall, and be of short duration, from the impracticability of so ordaining the executive power, as not to be the object of undue practices, and not to be the means of undue influence; the one tending to corrupt, and the other to overturn the political institution.

Looking to the peace, and happiness, and liberties of mankind, and anxiously wishing to discover what may give and what may secure and perpetuate these blessings, it is a most important question whether and how the evils above-mentioned may be obviated. It is a question truly of great concern, whether executive authority in government can be so placed and guarded as to be without, and beyond, the reach of those passions and influences which tend to corrupt the people and destroy the state, and yet be within the reach of controul, and restrained from all exertion to prejudice of the liberties and rights of the people?

I think the evils above stated cannot be obviated in a democratic republic.

C

I think

I think they have been obviated for a time, and may so for a yet longer time, in particular institutions of a mixed republic.

I think they have been, and are most happily provided against in one great existing republic; for such I do not hesitate to term the *British constitution of government*.

The one vested with the executive power in this great republic is called *king*.

The word *king* in Great Britain means not the same thing as king elsewhere;—as formerly in France, or as actually in Prussia, Hungary, or Spain. It means a person invested with the executive power, as to the people individually to administer the laws, but under the controul of the laws; and as to the people as a nation, to administer the government, but under the controul of the nation. As to the persons and property of individuals, the king has no power or authority, but what the people by their representatives have vested in him by laws made for the public peace and advantage of all.

As to the government of the nation, the king hath no means of power, and no agents of power, but what the people by their representatives have allowed, and do allow to him.

They allow to him a distribution of the funds of administration, and they allow to him a direction of the force of government; but they allow to him one and the other under strong controuls and for short periods: reserving thus the means to check and prevent the possible abuses of power in either case of money or arms. The supplies of money are voted annually. The mutiny act, by which the army exists, is voted annually.

In this sense the king can do no wrong as king.

Yet such wrong he may attempt. But in the constitution of the British government, the king can do no wrong, as a man, or in any acceptation of the terms. This axiom is not merely abstract; it is just and important in its principle, and is a security, which I will explain, of the first moment of the Bri-

tish constitution. Without this principle the executive power of the king would depend on him as man, would shift to the strongest side with the popular favour of the day, and be open to all the mischiefs and intrigues *for his place* belonging to the executive power in ancient and modern democratic republics.

The nonsense of a late declaration, '*that Great Britain hath no constitution*,' should be swept and cleared away. It is so done at once by a definition of the word constitution.

It is an institution and arrangement of legislative and executive powers; it is a settlement and declaration of who are to make the laws, and in what manner they are to be made; and of who are to execute the laws, and in what manner they are to be executed. It is a settlement and declaration of the ends, and of the means of the government of a people.

Great Britain hath all this, and this is a constitution of government. What are the ends and what the means of government, com-

comprize the farther premises of discussion, whether a constitution is good or bad.

To say that Great Britain hath no constitution, is to say, that it hath no government, and is nonsense : the only question is, whether it is good or bad ?

I have shewn the mischiefs which the struggles for executive power occasion in a republican government, and remarked the successive factions and disturbances, destroying all domestic security of individuals, and all peace and happiness in the community. I have shewn that these struggles in the end go to destroy the republic itself, and confirm one man, or one set of men, in power and tyranny.

I will now explain how this is avoided in the British constitution of government ;—and with respect to the governed, I will clearly shew that under that constitution—*liberty, equality, and the rights of men in civil society* are dealt out to all, and secured to all, better and more fully than they ever have been, or

are ever likely to be under any other form of government whatever.

First, in regard to the extensive power of the king: whilst every proper controul is laid on his official conduct, and the means of extending or abusing that power (namely, arms and money) are checked by confiding them only from year to year; the nation hath all the advantages and security which can belong to any executive power, under name of executive council, or other name whatever, which is annually appointed in a democratic republic.

It is true, that for any length of time to entirely withhold the means of executive power, and deny any army or any money, is to destroy that power: or, in other words, to dethrone the king and dissolve the government.

But the reserve on the part of the people, and by their representatives, to lessen or increase the supplies of force or moneys, and to apportion and suit the means to the ends which themselves have in view, commands,

in fact, the choice of those ends; commands the choice of national expenditures in peace, and the choice of peace or war in regard to foreign nations.

This choice of ends, by reserve of power over the means, is all that a people in the most democratic government can retain to themselves.

A total rejection of the means of government, would in either case dissolve the government, British or democratic.

If it is said, that such last resort to a revolution is avoided under the democratic institution, by an exercise of the power which the people retain of removing and degrading those who abuse that power; and that thus the people in such state have a farther advantage of controul and prevention of abuse: I deny that the republic of Great Britain hath not this advantage, and in as full a degree as can be of service, and in a much safer degree respecting the peace of the nation, and the quiet of individuals.

Every

Every history of every republican people shews the danger at times of one party attempting to remove the consul or tribune whom another party have voted into office, and who even will, to a certain degree, support him even in the abuse of power as a faction, whom they have raised to power as a party. The constant civil commotions or wars of Greece, and of Rome, and of every petty republic to the present day, are in proof of this position.

This mischief is avoided in the government of Great Britain by the person of the king being rendered inviolable, his authority permanent, and the succession hereditary: for hence there is *none to contest his place*. He who, in the eye of the law, can do no wrong, is kept by the constitution as an instrument to prevent the doing wrong by others, and to punish if so doing.

The king is the instrument of the people's will and pleasure in the raising from their public good opinion, or in degrading from their public dissatisfaction, the actual agents of executive power and authority.

The

The reserve of moneys and arms, of wealth and force, is withheld by the people in *condition to this effect*.

The comforts, the state, the aggrandizement of the king, his powers to pardon, his powers to dispense favour, his powers to do all good, and to do no harm; all these great and high distinctions render him only *a more valuable hostage to this effect*.

The king must on these very considerations of superior condition and character in the state, which weak and bad men affect to deride or to explode, put not such pre-eminence at hazard, but ensure ultimate concession to the *general* interest and wishes of the people.

We have in the late instance of the India Bill seen, that a king can only resist the voice of the representatives of the people, by appealing to the voice of the people at large. If the people return the same representatives to give the same voice, the king cannot but concede. The alternative is not of a nature to suppose: for besides, that a king of Great

Britain hath *no means* of contest with his people;—a king of Great Britain cannot act without his council or advisers. Now these advisers are none inviolate; they are responsible in the highest degree. The known law of the land and principles of the constitution hang paramount over their lives and fortunes; and no power can save him from just sentence and execution who is found guilty on impeachment in the name of the Commons of Great Britain.

Thus the constitution of Great Britain hath every, and more, security against the abuse of executive power than a republic of any other form. The counsellors or ministers of executive government responsible to definite maxims, and to fixed laws which admit of no variation, distinction, prejudice, or favour, will be ever more cautious than those acting at the head of a democratic government, where conciliatory acts, and even fresh crimes, may work out a favourable decree from the assembly; where the high court of justice resembles the hustings of an election; and he is voted most innocent, who is guilty of bribing the most votes. A British sentence of judgement,
founded

founded on known principles and laws, cannot vary or bend to these or other influences.

None would advise, none would be ministers of the king's executive power under circumstances of this responsibility, and its consequences, were not advantages of power, as in a democratic republic, attached to their situation and office.

These advantages, this power, will be sought as in a democratic republic, and struggles will be made for official place : but the high and permanent office of king (as I before observed) operates as a curb on private ambition. *It is the instrument of the nation* and of the constitution of government to interpose and prevent the dangers and mischiefs arising from such struggle for power.

The king is called to raise ; the king is called to dismiss. The Commons address to remove a judge, to remove a general, to remove those in trust of every department. The majority in Parliament, and of the voices of the people too, as far as their numbers can be ascertained, lose the distinctions of majori-

ty and minority as they reach the throne. It is the vote of entire Parliament; it is the voice of the whole people that calls on the king. By this operation in our constitution of government, the king is relieved from the imputations of partialities, and his appointments are never the appointments of a part, but of the whole.

Parties yet do, and must, and should exist : under these checks they cannot be mischievous ; and, indeed, are most useful. That some men of leading ability and genius should ever be on the watch to acquire fair popularity, and convert their minority of support into a voice of the people in their favour, is an ambition of high advantage to the country. That in this course they should watch each occasion to discover, and show to the people instances of mal-administration in their rivals when in executive authority, must check and keep those rivals to their duty : and is of first interest and moment to the public at large. Men will become good to become great, whilst to stand well with the people at large is the only way to gain or to regain the seat of executive authority.

A king

A king of Great Britain must have private predilections, because a king is a man; but the king can dispense only subordinate powers (and not always these) to the objects of his predilections. The man, the minister to whom is especially confided the care of the interests of the people, must be the man of the people's choice and confidence, or he cannot long be minister of the king.

Thus in the British constitution of government, the executive power, when trusted and placed, is placed with as full responsibility, and even more certain responsibility than in a democratic republic; where the appeal for applause or favour, or indemnification or pardon, is made to a plebicitum or decree of an assembly (taken, perhaps, at an unguarded moment) or taken under circumstances of partiality or prejudice: and not as in Great Britain, where the plea must be to 'the law of the land;' and to judges out of the power or influence of the crown or of the people.

Thus, too, in the British constitution of government there is left room for competition of men of the first genius and best knowledge
to

to struggle for the executive departments of government, without danger resulting from their success, their defeat, their exaltation, or their dismissal.

Thus, too, aspiring characters neither in their elevation, or in their fall from power, disturb the national prosperity or peace. They are enforced to a middle place, and to moderation, checked by and kept between the two constitutional powers of the King and the Commons,

And thus, looking to the true and only ends of all government, the component parts of civil society, individuals, families, municipalities, are engaged as they may prefer, in their private pursuits, and yet watchfully may be looking to the conduct and characters of the constituted authority, without suffering as constituents, all those feuds and animosities; and without suffering in the private line all that loss of peace, happiness, and domestic security, which are the individual materials and form the only well laid foundation of national wealth, force, and general prosperity.

In consideration of executive government, the security of property with the liberty of the person are the great essentials required; and the expences of government being paid from the pockets of the governed, those expences should in fairness be taken into the estimate, of what form of administration of executive power is the best for the people.

I venture to assert, that the charges of government are cheaper to the people, and must in their very nature be cheaper under the British constitution, than under a form of republic, in which the executive power spreads more at large, and is so frequently shifting from one set of men to another.

The civil list in Great Britain hath been, perhaps, rather wickedly than ignorantly misstated, and the annual expenditure of a million with purposed falsehood called,—‘*The expence of having a king.*’

But our free and enlightened countrymen can only feel disgust at so mean an attempt to breed disaffection to their happy establishment of limited monarchy. They know that the ci-

vil

vil list is, in small part only, paid to support the honours and parade of official authority in the person of him who has the trust and execution of it,—*their dear and respected King*, beloved and respected equally in his private and his public character. They know that the judges of the land, the foreign ministers, or persons sent to take care of the national interests abroad, the secretaries of state, the managers of their finance, the governors of their colonies, the consuls for the care of British trade, and numerous other departments of public use, are all paid from the civil list.

If in the expenditures of the civil list there is ought extravagant or overburthensome, and even a small saving can be made to relieve the people, it ought to be done, and the British constitution provides that relief. Parliament holds the purse, and a Committee of Grievances is one of our oldest constitutional resources in the records of the country. This is another advantage of our admirable constitution of government: it finds remedy to its own disorders; it corrects its own abuses; and has that principle of self-renovation which Machiavel, in his discourses on the Roman
His-

History, states as the perfection of human wisdom in political institutions.

Reverting to that part of my subject, which takes in the comparative expences under the British constitution, and under a democratic state, I must observe, that all accounts of sums of expenditure more or less, must be irrelevant to a just decision; as all details relative to the departments of justice, trade, and ordinary administrations of government, must be inconclusive, whilst distinctions arise from extent and from distance of territory, and from numbers and diversity of people, and from various other circumstances.

I must deal then in general positions, and such as are applicable to human nature under just consideration of what belongs to the individual man, and what arises from his connections in society, and under political institutions, whatever they may be. Man will under each look for wealth, and for power. In a democratic republic, then, all who can be paid, will be paid: we have a late example in a neighbouring country of the National Convention allowing for each member 18

E

livres

livres or 15 shillings of our money daily, amounting for the year to about 250,000*l*.

Then in a democratic republic the obligations of men raised to authority, to those who have raised them, is such, as to make the secret service-money enormous ; so enormous, that it would not be borne with under the British government a moment.

Then as under the British government all offices throughout the various departments are to be satisfied, and the satisfaction may not be so easy to the public purse, whilst every writing-clerk is not only to be paid as a clerk, but, perhaps, *to be conciliated* as a constituent citizen, who has his vote and his connections.

Then national parade, not less costly than kingly parade, (and kingly parade is national parade) is to bring in its items of gewgaws, its triumphal arches, and its federal feasts.—

Then as to pensions ; in Great Britain by law the king cannot grant them beyond a very moderate sum, and that submitted to the inspection of Parliament. I know of no

pos-

possible limitation in a democratic republic, where those who are chosen to office must bribe those who have chosen them, and where the account made out of the public money dissipated, is made to the very persons who are bribed with it.

This part of the subject needs no long discussion. It is obvious that twenty persons in power, that is, twenty kings, must dissipate in every way more of the people's money than one person, that is, one king, and controuled too and restricted as under the British constitution of Parliament.

Closing the comparative statement of executive power in a democratic government, and under the British constitution of government, I think the premises fully warrant me to assert, that under no other constitution of government hath an executive power ever existed so beneficial, so safe, and so little burthenfome to the subject as that of *king* under the British constitution.

But this is not all : the British constitution of overnment not only dispenses these blessings, but secures these blessings : it pro-

vides for duration; and, as far as human affairs can be of a permanent nature, it provides for permanency of its own excellent and beneficial establishment. A constitution merely of monarchy and democracy, of King and of Commons, could scarcely do this; its duration could not be of any length of time. The assembly of the Commons, *with purse and armies* at their disposal, in the natural course of human ambition, and of great men aspiring to be greater, would trench on the power of the king, and progressively assume to themselves a share of executive authority, till in the end they got the whole; and if ever our British constitution is destroyed, *I always have believed, and must ever believe, that this ambition in the House of Commons is and must be the natural cause and course of its decline and destruction.* A too great influence of the crown will be kept down (*as it ought to be kept down*) by the House of Commons: but what shall oppose the Commons themselves, if inclined to trespass beyond their province, under influence of some aspiring and able man, whose ambition, too, may be abetted by the prejudices of the people, and the circumstances of the times?

Let

Let us attend to and keep by us the antidote to this poison. To obviate the evil, the British constitution hath found a preventative in furnishing an aristocratic order, without one evil incident to aristocracy attending it, and with every benefit.

An aristocracy, in the ordinary acceptation of the term, is the most hateful of all governments. It is a government of privileges and of exemptions. It is a conspiracy of a certain number of individuals to burthen the people, and not to be burthened themselves; and to make and enforce laws against others, which themselves are not subject to; it is a government which adds insolence to wrongs, and wounds the spirit, whose body and substance it destroys.

In Great Britain none of these detestable characteristics apply to the establishment of the House of Lords. It is not an aristocracy of individuals, but an aristocracy for the state: it is not an aristocracy of privileges and exemptions for the individual service, but for the public benefit.

The

The *privilege* of hereditary place in the legislature, and in judicial resort, and the *exemption* from arrest for civil process, (the chief distinctions) are not given in boon to this aristocracy as men, but as trustees of their country. They are called for the general good to a share in legislation and judicial determinations ; they cannot be arrested for a private debt to one, because in their public functions they owe a debt to all. Where crime is in question, they are as common men, equally amenable to the laws with the poorest of the people. They have no exemptions ; no exemption from public taxes, and no privilege to do private wrong : they have no advantages, no distinctions but what the people require for the people's sake ; they possess none for their own sake.

They are Lords in Parliament, not Lords in private life.

If they are Lords in private life (I allude not to the name, but to the respect paid ; not to words, but to things,) they have their distinction from mere courtesy and civility ; and that courtesy and civility should be paid

to

to men in office, legislators, or judges, if worthy ; if not worthy, it will not be paid to any effect ; and is not paid, but by those who feed vanity to gain profit, or who interchange the ceremonious courtesies of vanity for vanity, with great pains giving and receiving—*nothing*.

Thus stating the aristocracy of the Lords in Parliament of Great Britain to be no ways dangerous, let us consider, on the other hand, its actual use.

It interposes between king and people, and mediates those contests which in default of this intervention might overturn the state.

It is a great body of landed interest, and whilst the country throws new weight daily into the commercial scale, it weighs in the scale of landed interest, with all the yeomen, and farmers, and those dependent on agriculture ; the most virtuous of our citizens, and the most necessary to, and the best deserving of their country.

It is connected in near relation both to the King and to the Commons. Raised by, and
connected

connected with the king, and like him holding hereditary honours and office, subject to, and deriving rights from the laws, as commoners ; they are engaged to the interests of the government and the governed more especially than other subjects.

With the just prerogatives of the king, they would lose their own honours and distinctions.

With the just rights of the people, they would lose their own security of property and person.

The Lords in Parliament have much to defend for the king and for themselves : out of Parliament, have more to defend for the people and for themselves. They thus as a body give security to the establishment of the whole, and are the special barrier to prevent the shocks of the monarchic and democratic powers.

I have already *called to recollection* that the Lords are subjects of the laws on equal footing with the poorest cottager ; and it is an abuse of language to name them as any
ways

ways partaking of what was called nobility in France or Brabant, or is yet so called in many countries throughout Europe. The nobility in those countries were an aristocracy in its worst sense, an aristocracy of privileges and exemptions, of haughty abuse of power, and odious immunity of wealth from the taxes of the state, which poverty paid and sunk under,—oppressed by authority and *manner* of collection, and oppressed, too, by exactions of more than due from the little all of the cottage.

I mean not an inquiry at large into the details of the British constitution; I mean only to trace the great outlines of that constitution, and place them in a comparative point of view with those of a government purely republican.

I have sufficiently for this purpose observed on the executive power in the governments under my consideration; I shall yet more briefly touch on the legislative powers. I shall then close this essay with a few remarks on the relative situation of the governed, and display in genuine colours—the *liberty, equality,*

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and

and *rights of men*—as actually existent in Great Britain, and possessed by every Englishman.

Laws are made, or should be made, more especially with the view to a security of person and property ; of man, and of what man by his own industry, or that of his forefathers, hath acquired.

To prevent or punish assaults from the slightest blow to savage murder, and to prevent or punish trespasses from encroachment on an outyard to the most outrageous robbery, is the first and great object of laws : for it is the first object of the laws to promote the peace and happiness of a community, and this can only be done by ensuring the quiet and enjoyments of every individual of which it is composed, and protecting each in that situation and course of industry which co-operates to the wealth, force, and prosperity of the whole.

But at the same time it is the province of the laws to guard against a more oppressive assault, a greater outrage, namely, that of
false

false accusation, and undue suffering of the innocent.

None should be permitted to do mischief to another ; but again, none should be treated as having done mischief or wrong to another, unless it is proved that the mischief or wrong has been done, and that the persons accused have done it.

Hence the question, whether the mischief or wrong hath been done, and by whom done, should not be deferred ? The public hath a claim to speedy sentence if guilty : the accused hath a claim to the speediest acquittal if innocent.

Again, the guilt or innocence of the accused should be ascertained by a tribunal not only competent to a just decision, but interested in a just decision ; by a jury deeply concerned in the acquittal of innocence as in the condemnation of guilt ; by those who are in a situation to feel, that on other occasions themselves may be offended against, or accused of offending others.

Above all, laws being made for the security of mankind, it is indispensable that their object should be fixed and known—the crimes be declared, the penalties ascertained.

To know what a man may do, and what he may not do, is necessary not only to the safety, but to the peace of mind and happiness of every one. For this reason laws should be certain and definite; they should not make the fault but correct it;—they should never be enacted to convert an old deed into a new crime; they should not operate *ex post facto*, for in other words this is to place all under incertitude of right and wrong, and hold out impunity to betray to punishment. It is to place every action of life under doubts and fears; the characteristic of despotism—and the despot a Caligula.

For the same reason laws should not deal in general and sweeping terms of offence, any more than in general denunciations of punishment; for who, then, is safe? Republics have ever admitted accusations of *incivism*, or loose opinion of some one's dislike to their govern-

government, without any precise allegation or specific charge, as grounds of judicial procedure. Thus the Athenians banished by their ostracism those whom public opinion declared guilty of *incivism*. But the climax of tyranny remained for a modern republic, where thousands have been imprisoned on the loose charge of *incivism*; have then been massacred in their goals: and without inquiry for the murderers, thousands again have crowded those goals stained with blood. Could such general accusation without specific charge be admitted even a moment in this free country, enlightened by the true principles of liberty, law, and justice! do we not reject the principle of procedure with disdain, as we regard the consequences with horror!

For the same reason laws should be free topics of discussion that all may learn and understand their meaning and effect. For yet greater reason should those who make the laws, or who execute the laws,—their views, their wisdom, their integrity, their characters, both as to purpose and means of legislation, be made the free topics of the people's conversations and writings.

Was

Was there ever a popular republic existing in ancient days, or does there exist one now in the whole world ; wherein such discussion to prejudice, perhaps of the ruling power, has the freedom of words and thoughts, as in Great Britain ? Can any man in any other country speak and write with the freedom of sentiment and opinion as in Great Britain, *without personal danger ?*

Whatever under the constitution of Great Britain checks the progress of calumny and misrepresentation in respect to the hurt of a man's circumstances in business, or peace of his family ; or checks the language of treason, or incitement to insurrection against the peace and property of all ; yet so defines each offence, and so narrows it to something like an overt act, that he who so offends as to be amenable to justice, must offend wickedly and malevolently, and with direct purpose of private, or of public breach of the peace : and such must be checked or controuled ; or neither the individual is safe in his reputation, or the whole people safe from destruction to their free and happy state.

Was

Was ever the freedom of public opinion, the freedom of the press so great, so little checked, and only duly checked, under any republican government whatever, ancient or modern ?

I will, lastly, mention the genuine principle of justice ;—that its decisions should bear on all alike, deal out protection to the poor, and sentence on the rich, without favour, without partialities to any class or condition of life,—should acknowledge no distinctions but of innocence and of guilt.

I bring forward these few *instances of the spirit of the laws in Great Britain*, merely as a sample to allure the consideration of my countrymen to all they possess in security of person, property, and freedom of mind as of body above other nations, and above these boasted republics in particular.

The excellence of our laws is in some measure, a result of the excellence of our institution of the legislative department.

The

The legislature is so framed and constructed, and is conducted on such principles, and on such deliberation, that if wise and good laws are not in every case the result, it is owing to the imperfections of human nature in the administration of an institution of government, and not be placed to account of the institution itself.

The principle and practice of British Parliament are, and have been, to collect all the legislative wisdom of the present age, and to graft it on the wisdom of passed ages; and further to avail itself and make use of the experience and speculations for the public good, which the sense of the best and wisest men of all times can supply.

To thus religiously preserve, and revert to precedents and usages, and to ancient charters and laws; but without blind submission and superstitious adherence to those acts of our forefathers, if a change of customs, manners, or circumstances require alteration; or if more enlightened experience can suggest improvement, or if late abuses require new regulations.

To reverence the authorities of ancient wisdom or policy, so far, and so far only, as not to change the minutest form, and much less to change the substance of what hath been heretofore done, but on urgent occasion, after provident discussion, and on most weighty and impressive argument for the alteration proposed.

The construction and usages of the legislative body conform to, and tally with, these principles, and operate as a check on wanton innovation, and work with energy to just amendment.

Each of the two Houses of Parliament, as it originates, or as it receives from the other, a new proposition for law, must, from its own constitution, proceed with the provisionary delays of first, second, and third readings, on different days: and many other stoppages for deliberation in course, are preclusive of mischievous and rash resolves, and the sense of the people hath time to collect; and the interests of every body of men, and the rights of every individual citizen, have time to come forward, and claim their just

consideration. After all these precautions, should a bill, or proposition for law, to the detriment of national interests, or private franchises, pass the House of Commons from popular heat or prejudice ; or pass the House of Lords from too courtly attachment to the monarchic branch of the constitution, or too partial views to their own order in the state, yet the one house must act as a corrective on the other. From the distinct characters and temper of each house, the public hath a security, not only that bad or unjust propositions for law, shall never become “ Law of the Land :” but further, that no one of the states of the constitution shall encroach on the other, whilst each hath a self-defence in the being a necessary party to the act and procedure which might operate to its detriment ; and the buckler of the peers covers too, and guards the just prerogative of the crown.

Thus the balance of our mixed government is poized and fixed to the level, and thus we have a certain and known system of laws, that best security of the liberties and properties of men. No word, no action, is deemed an offence and punishable, but under known laws.

laws. Every citizen is aware whether he goes right or wrong, for he has a line to walk by; and he thus walks cheerfully and safely. No British law can convert right into wrong, and punish as a crime what was no crime when committed.

In this principle of immutable justice, and in the spirit of our laws born of that principle, and partaking throughout of its nature, permanency, and firmness, the great advantage of all is, that *national morality is fixed*. What a man ought to do, and what he may do, varies not to fluctuating decrees, and a rule of life is laid down. Citizens, in habit of obedience to laws for their conduct and good order, remaining the same in their old age as in their youth, fix their minds to a principle, as well as system of demeanour; and gain the habits of thinking rightly, with those of acting honestly. Integrity and virtue thus become features of national character, under a firm, permanent, and systematic procedure in legislation. Individual happiness, peace and safety, are decided too, as it were, for life. The progress and success of men in all trades and vocations of arts, and of learning,

are settled. The apprenticeship of the mechanic secures his livery in his town. The prospects of laborious application and improved talents may be viewed in the very school of the first rudiments of literature. Men become enlightened, happy, and rich, singly, and in the aggregate, whilst each is assured that the end, *the home* of his labours and application will not be pulled down ere he reaches it; but the rights he set out with, remain with him to the end of his course.

Turn from this system of establishment and security, and view the popular republics of ancient and modern times; you will descry a fluctuating and dangerous procedure in legislation, whilst therein scarcely a citizen knows in what he is safe, or in what he hath to trust to.

Justice and liberty are the watch-words of republican governments; too often used for readier passports to oppression and tyranny. The popular clamour for justice must ever indicate that there shall be no justice: as the cry of liberty on one side is ever a summons to tyrannize over the other. Even legislation
is

is made the direct and avowed instrument of wrong.

The people are angry with some minister or general, and a hasty decree converts all he has done into so many crimes, and the decree follows to adjudge banishment or death. The people become quickly hardened to these plebiscita or decrees; and the majority in the assembly vote laws, in effect a dreadful proscription to person and property, against all who do not vote with them: scarcely a citizen knows by what tenour he holds his estate or his life, in the exceptions which contending factions arrogate to themselves a power of declaring, to the prejudice of their opponents, and of those too who may be neutral.

If any think that I deal too hardly with the character of popular republics in this little sketch of comparative statement, I refer to history at large, to the republics of Sicily, from Drepanon to Syracuse, and to those of the South of Italy, from Crotone to Metapontum, and thence throughout to Apulia; to those of Greece throughout; and above
all

all, to the democracy of Athens. If modern examples are required, I refer to the histories of Machiavel, and all the factious intrigues and massacres of his petty Italian commonwealths.

France, in its wretched anarchy, hath yet enough of democratic temper, if not of republican arrangement, to fill up the measure of example, and afford another instance for my purpose. Let no one call another an enemy to liberty because he professes a love of order. It is because I am the warmest advocate for true liberty, that I am the most decided adversary to democratic republics.

I have been in the habits of attention to history from my earliest youth; and my views have been directed to inquire under what political institutions of government, throughout all ages, and in all countries, might be found the most *freedom*, the most *virtue*, and the most *happiness*.

All that I have read or heard, all that my mind can furnish from the materials it hath collected, or from the combination of those

materials, lead me to declare, that the republic of the British constitution of King, Lords, and Commons, is the best suited for all the ends of government, for the liberty, peace, and happiness of mankind. Says Tacitus, in the sentence prefixed to the title-page of this essay,—“ All nations have been governed
 “ by kings, or by a certain number of chiefs-
 “ tains, or lords, or by an assembly of the
 “ people themselves : a republic framed out
 “ of these, by associating the three original
 “ powers into one constitution of govern-
 “ ment, is much easier to make the subject
 “ of our delight and praise than to conceive
 “ will ever happen.” What Tacitus spoke of, as a thing to be wished for, but scarcely to be expected to happen, which he stated as a summary of the excellence of every form of government, rather to be hoped for than looked for, has actually happened, and with some experience of duration, (and I trust with some presumption, of duration) in our island of Great Britain. Let us, as free Britons, support the wondrous fabric, and shoulder it up against the shock of the times ; and when these new-fangled republics of the continent are mouldering in various shapes

shapes and forms, with as little vestige of the popular governments which succeeded, as of the despotisms which they supplanted :—may we show, with exultation, the British tower which hath stood the storm, and hath preserved for prototype to future establishments of government, the archives of every true principle of liberty, equality, and the rights of man in civil society !

Let us now look to the governed as we have looked to government :—let us contrast our situation as a people, with those subject to a popular republic.

In such republic, constant struggles and animosities, and a consequent insecurity of property and unsafety of person, chase all domestic happiness to a distance ; and what compensation have the republican people for this loss ? What can they possess that Englishmen do not possess ? Do not Englishmen enjoy in the fullest sense—*Liberty, Equality, and the Rights of Man in civil society* ?

The *liberty* of the Englishman consists in his being responsible to none, but to the laws ;

laws ; and in being subject to laws which are framed especially to guard his person and his property ; which acknowledge no distinction between the highest and the lowest, the richest and the poorest ; but deal out protection to the poorest who is innocent, and denounce the sentence of justice on the richest who is guilty. Every *honest* Englishman's person is inviolate, and *his house is his castle*. Let it be remembered, too, that the question whether he hath at any time made forfeiture of his liberty, is decided by the best guardians of liberty,—*the people themselves*, acting as a jury on trial.

The *equality* of Englishmen consists in the admitting no inequality of condition in private life to operate so as to produce an inequality in respect to public rights, to liberty, and to justice. As to inequality of condition in private life, it is the very consequence of liberty among an enlightened and industrious people. It is the liberty, spurning at all controul or authority, to proceed as every man prefers in applying his talents to learning, arts, or trade ; which occasions that inequality of wealth, the true and only cause of all the other

inequalities in the conditions of life in a free country. What freeman would submit to have his industry controuled, and his ability stopped in progress to the competence or riches he looks to acquire? Or having acquired these riches, what freeman doth not claim a right to bestow on his children the earnings of his own labour? Can he be said to live in a land of liberty who is checked and stopped in the gaining wealth by his industry, or in disposing of the wealth which he has gained? No, he cannot; such controul implies wretched subjection. Call the government 'Republican' or what you will, the name matters not. It changes not the nature of oppression or tyranny. Besides, the very inequality in conditions of life is a blessing to all. To reduce the rich, is to have *all* poor. What is to become of all traders, manufacturers, and labourers in different arts, if none have a superfluity of wealth which may go to purchase the manufactures, and so give employment and payment to the manufacturer? To destroy him who is to pay or to give, is to destroy him who is to receive. If none are to ride in a coach, the coach carpenter must starve. Let English workmen

consider this ; and consider, too, that in attempting an impossible equality, and levelling all conditions of life, they will give up and lose their own rights of Englishmen, their rights of man,—to push forward in life, and better their situations, as severally their industry and talents may allow.

‘ *The Rights of Man* ’ are not only preserved under the British constitution, by laws securing person and property, by securing all ‘ a man can have a right to,’ and by equal care of those rights for the poor as for the rich : but they are cherished in the highest degree by opening all situations of life (*saving one*) to all citizens. The poorest parish apprentice hath more than once risen to be Lord Mayor of London. The poorest errand lad to a country attorney hath more than once risen through a clerkship to be the attorney, and from attorney to be Chancellor of England, and a peer in Parliament. The drum-boy hath often risen to be a general, and a waiting-boy from a coffee-house to be a member of the House of Commons.

‘ *The Rights of Man*,’ are rights to avail himself of his talents and industry, and make the most of those endowments of mind and strength with which God hath blessed him, No popular republic is so truly a guardian of these rights as the British constitution of government; and that constitution further provides—that each may exercise these rights with safety, and with advantage too, to others. The disturbances, the shocks, the dangers occasioned in a popular republic, by many citizens struggling in the same course towards the same object, are avoided in Great Britain; and each is active, yet all are quiet.

Having thus reached the conclusion of what I proposed by this essay, I cannot pay my countrymen so ill a compliment as to suppose it necessary to sum up the argument, and further enforce how little they have to gain, and how much they have to lose, by a change of their government,

I am so fully satisfied of the good sense and spirit of the free people of England, that if they are once roused to a just consideration of the attacks which are now made on the constitution

stitution of their great and flourishing country, I should little apprehend any danger from the fomenters of sedition, who under the cry of *more liberty* mean more *power*. When these bad designing men publish their harangues and pamphlets, scratch out the words *public liberty*, and write in their place *private power*, and you have the object of their real designs. The high road of promotion to offices of power in the British state is open to the eyes of all, and high character and credit in the country are indispensable qualifications to him who would get forward in the path. Thus base and bad men find themselves checked in their ambitious views almost at the outset. It is their scheme then to destroy and break up this plain and direct road; and in the confusion of things make out some dark and crooked passage to power, in which they shall not be stopped, because its tendency is not discerned, and themselves are not seen;—till they come forth from the outlet to step on the very throne of usurpation. Vain, profligate, and ambitious men seek thus to embroil all the happiness and all the peace of the country with views of tyrannizing in power under whatever new titles of

generals, or executive councils, or, perhaps, protectors.

I shall not apprehend any danger from these few bad men, when I am assured that England is true to itself. If the friends of the British constitution come forward, (and I am happy to see them coming forward) their enemies are comparatively so weak and few, that not a riot can make head : but let there not be an instance of mean and timid neutrality : let not a few traitorous Englishmen, in pay from French money, be encouraged by forbearance to insurrection. Let all take a part against them : let all come forward to fight the good old cause of the free British constitution ; nor let any suppose there is individual safety in neutral retirement. It cannot be borne with in a contest where so much is at stake, and in the strong and natural animosities of such contest, he must be deemed an enemy who is not a friend.

The example of France is no example to England.

The

The people of France had *nothing* in their old government to fight for, and defend on their own account, and for themselves.

The people of England in their British constitution of government have *every thing* to fight for and to defend on *their own account and for themselves.*

FINIS.

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